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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/680,032

10/06/2003

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AOL0139

5291

22862 7590 03/20/2009

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2446

MAIL DATE

DELIVERY MODE

03/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/680,032	<b>Applicant(s)</b> GALLI ET AL.	
	<b>Examiner</b> BENJAMIN R. BRUCKART	<b>Art Unit</b> 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-14-08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **Detailed Action**

#### **Status of Claims:**

Claims 1-10, 12-33 are pending in this Office Action.

Claims 1-3, 24-27 are amended.

Claim 11 remains cancelled.

The 35 U.S.C. 112, second paragraph rejection is withdrawn based on applicant's amendments.

### **Information Disclosure Statement**

The information disclosure statement filed on 8/14/08 has been considered.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 11/2/07, have been fully considered but are found not persuasive. The reasons set forth below.

#### **Applicant's invention as claimed:**

### **Claim Objections**

Claim 26 is objected to because of the following informalities: The amendment shows an underline of the words "third party" denoting an amendment that adds the words, however, the amendment was made previously. Applicant is cautioned such incongruent change identifiers can

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be construed as noncompliant. The examiner will treat it as if it was deleted as in parallel claim 2. Appropriate correction is required.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 11-12; 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda.**

Regarding claim 1, the Yairi reference teaches

a system for providing real-time communication over a global network in a session between two or more users, each of said two or more users using a device communicatively coupled to the global network (Yairi: page 2, para 23), said system comprising:

a client messaging application which runs on each of a plurality of users' devices, at least two of said user devices including a user device screen, said client messaging application providing a user interface displayed on each of said user's device screen (Yairi: page 2, para 23), said user interface comprising:

a message entry window for a user to enter data (Yairi: Fig. 8B);

a communication window for displaying messages entered in said session (Yairi: Fig. 8B); and

a selection window for accessing one or more application agents, each of said one or more application agents being associated to an external application (Yairi: pages 1-2, para 9, page 4, para 38);

a connection to said external application, said external application capable of providing an enriched communication session beyond simple, replicated text message content (Yairi: pages 1-2, para 9, page 4, para 38-39; GPS, phonebook, calendar, web browser, email, stock ticker information);

wherein when one of said one or more application agents is activated, said external application represented by said one or more activated application agents (Yairi: page 2, para 10; page 4, para 33; page 5, para 40; the web services).

The Yairi reference fails to teach one or more activated application agents is displayed on said user device screens in conjunction with said client messaging application.

However, the Kusuda reference teaches one or more activated application agents is activated to run in conjunction with said client messaging application such that said two or more users in said session can utilize said external application represented by said activated application agent without leaving said session (Kusuda: page 1, para 7; page 2, para 18-21) in order to provide collaboration between two users on one external application (Kusuda: page 1, para 10, 11).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of real time communication as taught by Yairi to include displaying the activated agents on both devices ) in order to provide collaboration between two users on one external application (Kusuda: page 1, para 10, 11).

Regarding claim 2, the system of claim 1, wherein said external application is either a local application in any of said user's device or a service on the global network (Yairi: pages 1-2, para 9; page 3, para 25; web service).

Regarding claim 3, the system of claim 2, wherein said service on the global network is any of: an instant translation service; a speech synthesis service; an automatic publishing service; a

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picture sharing service; a map sharing service; a quote service; and a Web search engine (Yairi: page 5, para 41, 47).

Regarding claim 4, the system of claim 1, wherein said activated application agent addresses said external applications on an other side of said session via the user's message protocol (Yairi: page 2, para 10).

Regarding claim 12, the system of claim 11, wherein said selection window displays any of:

a list of unregistered application agents, each of said unregistered application agents being available to be registered with said client messaging application (Yairi: page 4, para 39; Fig. 4, 8A); and

a list of registered application agents, each of said registered application agents being immediately available to be activated by a user (Yairi: page 4, para 39; Fig. 4, 8A).

Regarding claim 25, the Yairi reference teaches:

a method for incorporating external resources into an instant messaging session supported by an instant messaging system (Yairi: page 2, para 23), said instant messaging system comprising a client messaging application which runs devices communicatively coupled to the Internet (Yairi: page 2, para 23), comprising the steps of:

providing through said client messaging application a user interface displayed on each device's screen from which a user communicates with other users (Yairi: page 2, para 23), said user interface comprising a message entry window for said user to enter data (Yairi: Fig. 8B), a communication window for displaying messages entered in said instant messaging session (Yairi: Fig. 8B), and a selection window for accessing one or more application agents, each of said application agents being associated to an external application (Yairi: pages 1-2, para 9, page 4, para 38), the method further comprising the steps of:

activating an application agent from a list of available application agents, wherein each of said application agents is available to be activated by said user (Yairi: page 2, para 10; page 4, para 33), thereby activating the external application to which said activated application agent is associated, said external application capable of providing an enriched communication session

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beyond simple, replicated text message content (Yairi: pages 1-2, para 9, page 4, para 38-39; GPS, phonebook, calendar, web browser, email, stock ticker information).

The Yairi reference fails to teach sharing said external application.

However, the Kusuda reference teaches sharing said external application between at least two users in said instant messaging session (Kusuda: page 1, para 7; page 2, para 18-21) in order to provide collaboration between two users on one external application (Kusuda: page 1, para 10, 11).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of real time communication as taught by Yairi to include displaying the activated agents on both devices ) in order to provide collaboration between two users on one external application (Kusuda: page 1, para 10, 11).

Regarding claim 26, the method of claim 25, wherein said external application is either a local application in any of said devices communicatively coupled to the Internet or a *third party* service on the Internet (Yairi: page 2, para 23).

Regarding claim 27, the method of claim 26, wherein service on the Internet is any of: an instant translation service; a speech synthesis service; an automatic publishing service; a picture sharing service; a map sharing service; a quote service; and a Web search engine (Yairi: page 5, para 41, 47).

Regarding claim 28, the method of claim 25, wherein at least one of said registered application agents is associated to an interactive service (Yairi: pages 1-2, para 9; page 3, para 25).

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda in further view of U.S. Patent Publication No. 20040125924 by McMullin et al.**

Regarding claim 5, the modified Yairi reference teaches the system of claim 4. The modified Yairi reference fails to state binary data.

However, the McMullin reference teaches data transferred via said message protocol for addressing said external applications on said other side of said session is a sequence of characters that represents binary data (McMullin: page 3, para 34) in order to send data through a digital communications network (McMullin: page 3, para 34).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Yairi to include binary data as taught by McMullin in order to send data through a digital communications network (McMullin: page 3, para 34).

**Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda in further view of U.S. Patent Publication No. 20040174392 by Bjoernsen et al.**

Regarding claim 6, the modified Yairi reference teaches the system of claim 1, wherein said selection window for accessing one or more application agents further comprises:

one or more distinct visual cues, each of which being representative of one or more said application agents (Yairi: page 4, para 39; Fig. 4, 8a); and

said one or more distinct visual cues shown in association with contact in a contact list of a user (Yairi: page 4, para 39; Fig. 4, 8a).

The modified Yairi reference fails to teach associating contacts based on prior use.

However, the Bjoernsen reference teaches an association based on said user's prior use of said application agents with said contact (Bjoernsen: page 1, para 6; Fig. 10) in order to allow collaboration between users over instant messaging services (Bjoernsen: page 1, para 2, 4).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Yairi to include a buddy list with popular and frequent contacts as taught by Bjoernsen in order to allow collaboration between users over instant messaging services (Bjoernsen: page 1, para 2, 4).

**Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda in further view of U.S. Patent Publication No. 20040174392 by Bjoernsen et al in further view of U.S. Patent Publication No. 20030177184 by Dickerman et al.**

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Regarding claim 7, the modified Yairi reference teaches the system of claim 6. The modified Yairi reference fails to teach the agent automatically activated.

However, the Dickerman reference teaches when a contact joins said session, said application agent represented by said one or more distinct visual cues associated with said contact are automatically activated (Dickerman: pages 6-7, para 34-36) in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by modified Yairi to include automatically activating an agent when a user joins in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

Regarding claim 8, the modified Yairi reference teaches the system of claim 6. The modified Yairi reference fails to teach the agent automatically activated.

However, the Dickerman reference teaches, wherein any of said application agents can be registered as a contact in said contact list of said user ~~contacts~~ to create registered application agents (Dickerman: page 7, para 36) in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by modified Yairi to include automatically activating an agent when a user joins in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

Regarding claim 9, the modified Yairi reference teaches the system of claim 8, wherein at least one of said registered application agents is associated to an interactive service (Yairi: pages 1-2, para 9; page 3, para 25),

Regarding claim 10, the modified Yairi reference teaches the system of claim 9. The modified Yairi reference fails to teach the other registered agents stacked on a registered agent.

However, the Dickerman reference teaches, wherein registered application agents can be run in conjunction with said interactive service associated with said at least one registered

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application agent (Dickerman: page 7, para 36) in order to allow users to invite other users to collaborate with other registered applications (Dickerman: page 7, para 36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by modified Yairi to include automatically activating an agent when a user joins in order to allow a user to invite other users to collaborate with other registered applications (Dickerman: page 7, para 36).

**Claims 13-20, 22; 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda in further view of U.S. Patent No. 6,807,562 by Pennock et al.**

Regarding claim 13, the modified Yairi reference teaches the system of claim 12.

The modified Yairi reference fails to state registering by dragging.

However, the Pennock reference teaches said user can register said unregistered application agent by dragging a symbol representative of said unregistered application agent from said list of unregistered application agents to said list of registered application agents (Pennock: col. 6, lines 6-32; col. 8, lines 44-54; Fig. 6) in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include register an application agent by dragging a symbol representative of said application agent as taught by Pennock in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

Regarding claim 14, the modified Yairi reference teaches the system of claim 13.

The modified Yairi reference fails to state registering by a symbol.

However, the Pennock reference teaches, wherein said symbol is an icon or a title (Pennock: col. 6, lines 6-32; Fig. 6) in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include a symbol representative of said

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application agent as taught by Pennock in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

Regarding claim 15, the modified Yairi reference teaches the system of claim 12.

The modified Yairi reference fails to state unregistering by dragging.

However, the Pennock reference teaches, wherein said user can unregister a registered application agent by leaving (Pennock: col. 16, lines 10-22) and a user can register application agents by dragging (Pennock: col. 6, lines 6-32; col. 8, lines 44-54; Fig. 6) in order to allow users to leave and close sessions (Pennock: col. 16, lines 10-22).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include a unregistering agent applications by dragging as taught by Pennock in order to allow users to leave and close sessions (Pennock: col. 16, lines 10-22).

Regarding claim 16, the modified Yairi reference teaches the system of claim 12.

The modified Yairi reference fails to state registering by clicking.

However, the Pennock reference teaches, wherein said user can register an unregistered application agent by applying one or more mouse-clicking commands (Pennock: col. 8, lines 44-54) in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include regi mouse-clicking as taught by Pennock in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

Regarding claim 17, the modified Yairi reference teaches the system of claim 12.

The modified Yairi reference fails to state registering by dragging.

However, the Pennock reference teaches, wherein the user can activate a registered application agent by dragging a symbol representative of said registered application agent from said selection window to said communication window (Pennock: col. 8, lines 44-54) in order to

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allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include register an application agent by dragging a symbol representative of said application agent as taught by Pennock in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

Regarding claim 18, the modified Yairi reference teaches the system of claim 17.

The modified Yairi reference fails to state registering by dragging a symbol.

However, the Pennock reference teaches, wherein said symbol is an icon or a title (Pennock: col. 6, lines 6-32; Fig. 6) in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include register an application agent by dragging a symbol representative of said application agent as taught by Pennock in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

Regarding claim 19, the modified Yairi reference teaches the system of claim 12.

The modified Yairi reference fails to state registering by mouse clicking.

However, the Pennock reference teaches, wherein said user can activate a registered application agent by applying one or more mouse-clicking commands (Pennock: col. 6, lines 6-32; Fig. 6) in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include re mouse clicking as taught by Pennock in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

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Regarding claim 20, the modified Yairi reference teaches the system of claim 12.

The modified Yairi reference fails to state a local program.

However, the Pennock reference teaches, wherein said user can activate a registered application agent from a local application (Pennock: col. 6, lines 6-32; col. 2, lines 20-28; gaming utility application) in order to launch the users software to enable collaboration between users (Pennock: col. 2, lines 20-28).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include registered application agent from a local application as taught by Pennock in order to launch the users software to enable collaboration between users (Pennock: col. 2, lines 20-28).

Regarding claim 22, the modified Yairi reference teaches the system of claim 12.

The modified Yairi reference fails to state updating the list of unregistered agents.

However, the Pennock reference teaches, wherein said list of unregistered application agents is automatically updated by said client messaging application (Pennock: col. 2, lines 36-44) in order to display the availability status of entities in the buddy list (Pennock: col. 2, lines 36-44).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include updating the list of unregistered agents as taught by Pennock in order to display the availability status of entities in the buddy list (Pennock: col. 2, lines 36-44).

Regarding claim 29, the modified Yairi reference teaches the method of claim 25.

The modified Yairi reference fails to teach registering by dragging.

However the Pennock reference teaches:

registering an unregistered application agent by dragging a symbol representative of said unregistered application agent from a list of unregistered application agents to said list of registered application agents, wherein each of said unregistered application agents is available to be registered with said client messaging application (Pennock: col. 6, lines 6-32; col. 8, lines 44-

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54; Fig. 6) in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

unregistering a registered application agent by leaving or closing a session (Pennock: col. 16, lines 10-22) and Pennock teaches an interface that uses dragging (Pennock: col. 6, lines 6-32; col. 8, lines 44-54; Fig. 6) in order to allow users to leave and close sessions (Pennock: col. 16, lines 10-22).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include register and unregister application agents by dragging a symbol representative of said application agent as taught by Pennock in order to allow a user users to join or leave collaboration session (Pennock: col. 8, lines 44-67).

Regarding claim 30, the modified Yairi reference teaches the method of claim 25.

The modified Yairi reference fails to teach registering by dragging.

However the Pennock reference teaches:

registering an unregistered application agent by applying a number of mouse-clicking commands (Pennock: col. 6, lines 6-32; col. 8, lines 44-54; Fig. 6) in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67); and

unregistering a registered application agent by applying a number of mouse-clicking commands (Pennock: col. 16, lines 10-22) in order to allow users to leave and close sessions (Pennock: col. 16, lines 10-22).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include register and unregister application agents by dragging a symbol representative of said application agent as taught by Pennock in order to allow a user users to join or leave collaboration session (Pennock: col. 8, lines 44-67).

**Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda in further view of U.S. Patent No. 6,807,562 by Pennock et al in further view of U.S. Patent Publication No. 20040174392 by Bjoernsen et al**

Regarding claim 21, the modified Yairi reference teaches the system of claim 13.

The modified Yairi reference fails to state alias symbols.

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However, the Pennock reference teaches, further comprising:

means for associating an alias of said symbol to a contact in said user's contact list (Pennock: col. 7, lines 50-62), in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of claim 12 as taught by Yairi to include register an application agent by dragging a symbol representative of said application agent as taught by Pennock in order to allow a user to select and register people to join a collaboration session (Pennock: col. 8, lines 44-67).

The modified Yairi reference fails to teach the associating based on prior user or frequency.

However, the Bjoernsen reference teaches an association based on said user's prior use with said contact, of said application agent represented by said symbol (Bjoernsen: page 1, para 6; Fig. 10) in order to allow collaboration between users over instant messaging services (Bjoernsen: page 1, para 2, 4).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by modified Yairi to include a buddy list with popular and frequently used contacts as taught by Bjoernsen in order to allow collaboration between users over instant messaging services (Bjoernsen: page 1, para 2, 4).

**Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda in further view of U.S. Patent Publication No. 20030177184 by Dickerman et al.**

Regarding claim 23, the modified Yairi reference teaches the system of claim 1. The modified Yairi reference fails to state activating agents upon inviting another user.

However, the Dickerman reference teaches wherein a user invites another user to activate one of said application agents in said session (Dickerman: page 7, para 41) in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by modified Yairi to include automatically activating an agent when a user joins in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

Regarding claim 24, the modified Yairi reference teaches the system of claim 1. The modified Yairi reference fails to state activating agents upon inviting another user.

However, the Dickerman reference teaches, wherein said user interface further comprises: a system for selection by a user to initiate synchronous sharing of a service represented by an activated application agent (Dickerman: page 2, para 24, 26; page 7, para 36) in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by modified Yairi to include automatically activating an agent when a user joins in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

**Claims 31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda in further view of U.S. Patent Publication No. 20040174392 by Bjoernsen et al**

Regarding claim 31, the modified Yairi reference teaches the method of claim 24, comprising:

associating one or more of visual cues to a contact in a contact list of a user (Yairi: page 4, para 39; Fig. 4, 8A), each of said one or more visual cues representing one of said registered application agents (Yairi: page 4, para 39; Fig. 4, 8A).

The modified Yairi reference fails to state associating based on prior use or frequency.

However, the Bjoernsen reference teaches association based on said user's prior use or use frequency, with said contact, of said registered application agents (Bjoernsen: page 1, para 6; Fig. 10) in order to allow collaboration between users over instant messaging services (Bjoernsen: page 1, para 2, 4).

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It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by modified Yairi to include a buddy list with popular and frequently used contacts as taught by Bjoernsen in order to allow collaboration between users over instant messaging services (Bjoernsen: page 1, para 2, 4).

Regarding claim 33, the method of claim 31, wherein said contact can be any of:

- a screen name representing a human contact (Yairi: Fig. 8B);
- a name or a visual cue representing an interactive service; and
- a name or a visual cue representing one of said registered application agents.

**Claims 32 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 20040078424 by Yairi et al in view of U.S. Patent Publication 20030088623 by Kusuda in further view of U.S. Patent Publication No. 20040174392 by Bjoernsen et al in further view of U.S. Patent Publication No. 20030177184 by Dickerman et al.**

Regarding claim 32, the modified Yairi reference teaches the method of claim 31.

The modified Yairi reference fails to teach the agent automatically activated.

However, the Dickerman reference teaches when a contact joins said session, said registered application agent represented by said associated visual cue is automatically activated (Dickerman: pages 6-7, para 34-36) in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by modified Yairi to include automatically activating an agent when a user joins in order to allow a user to invite other users to collaborate with the registered application (Dickerman: page 7, para 36).

### **REMARKS**

The examiner has carefully considered the remarks by applicant and the amendments; however, the examiner interprets the amendment limitations to be broad breadth.

### **The Applicant Argues:**

Applicant argues the Yairi and Kasuda references.

**In response**, the examiner respectfully submits:

The examiner maintains the rejection because the references teach the limitations as claimed.

On page 14, applicant argues Yairi does not teach or suggestion the possibility that a user might want to communicate with a different user. The examiner directs applicant to Yairi pagw 2, para 23 "the IM client application allows a user of the mobile terminal to engage in conversation with one or more other IM users." This is explicit in showing the Yairi reference is a system for real time communication between two or more users. The later portion of para 23 illustrates a user sending a message to another user.

On page 15, applicant argues the Yairi reference removes richness from the user essentially arguing the Yairi reference teaches away from the invention as claimed. However, the Yairi reference does not remove richness. The Yairi reference adds richness by allowing the user to function and access features beyond simple text content (see para 39, 40, 9) where ideas of authentication, billing, and stock management are performed.

Applicant argues the combination of the two references Yairi and Kusuda arguing they are not combinable or nor is motivation given for combining the two. However, the two references are both analogous art. The Yairi reference teaches web services accessible through Instant Messaging as well as communication between users in a computer networking environment with a plurality of users. The Kusuda reference teaches a collaborative chat system in which users are connected to web servers and chat servers (see Fig. 1) to make changes to a commonly accessed object in a computer network environment with a plurality of users. The motivation to modify Yairi with Kusuda is to provide collaboration between two users on one external application (Kusuda: page 1, para 10, 11). It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of real time communication as taught by Yairi to include displaying the activated agents on both devices ) in order to provide collaboration between two users on one external application (Kusuda: page 1, para 10, 11).

The examiner stresses that the art of chat and whiteboard communication is a mature art and thus there is a multitude of references that teach it and similar features. Applicant is encouraged to how the users interact and specific features that would not be common such as the

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adding of meta-data detailed on page 15 of the instant specification with speech synthesis and the details of how it is a more enriched chat.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN R. BRUCKART whose telephone number is (571)272-3982. The examiner can normally be reached on 9:00-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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